

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
NISHA BROOKS-WHITTINGTON  
3 Assistant Federal Public Defender  
411 E. Bonneville, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax  
Nisha\_Brooks-Whittington@fd.org  
6 Attorney for Nicholas Brodigan

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 NICHOLAS BRODIGAN,

14 Defendant.

Case No. 2:17-cr-00103-KJD-PAL-2

**STIPULATION TO CONTINUE**  
**REPLY DEADLINE TO**  
**GOVERNMENT'S RESPONSES**  
**(ECF NOS. 105, 107) TO MOTION**  
**TO DISMISS (ECF NO. 98) AND**  
**MOTION TO SUPPRESS (ECF**  
**NO. 99)**  
(Third Request)

15  
16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United  
18 States Attorney, and Christopher Burton, Assistant United States Attorney, counsel for the  
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-  
20 Whittington, Assistant Federal Public Defender, counsel for Nicholas Brodigan, that the reply  
21 deadline to the Government's Responses (ECF Nos. 105, 107) to Defendant's Motion to  
22 Dismiss (ECF No. 98) and Motion to Suppress (ECF No. 99) that was scheduled for Friday,  
23 October 12, 2018, be vacated and set to October 29, 2018.

24 This Stipulation is entered into for the following reasons:

25 1. The parties are actively engaged in negotiations which may render it  
26 unnecessary to file replies to the government's responses (ECF Nos. 108, 107) to

1 Mr. Brodigan's Motion to Dismiss (ECF No. 98) and Motion to Suppress (ECF No. 99).  
2 Further, defense counsel will be out of the jurisdiction from October 17 through 20, 2018, and  
3 needs additional time to discuss with her client how he wishes to proceed with his case. Defense  
4 counsel also needs time to prepare replies to the government's responses to the pending Motion  
5 to Suppress and Motion to Dismiss should the parties not reach a negotiated resolution.

6 2. The defendant is incarcerated and does not object to the continuance.

7 3. The parties agree to the continuance.

8 4. The additional time requested herein is not sought for purposes of delay, but  
9 merely to allow counsel for defendant sufficient time within which to be able to effectively  
10 prepare a reply.

11 5. Additionally, denial of this request for continuance could result in a miscarriage  
12 of justice.

13 This is the third request to continue the reply deadline dates filed herein.

14 DATED this 16th day of October, 2018.

15  
16 RENE L. VALLADARES  
Federal Public Defender

DAYLE ELIESON  
United States Attorney

17  
18 */s/ Nisha Brooks-Whittington*  
By \_\_\_\_\_  
19 NISHA BROOKS-WHITTINGTON  
20 Assistant Federal Public Defender

*/s/ Christopher Burton*  
By \_\_\_\_\_  
CHRISTOPHER BURTON  
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**  
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 NICHOLAS BRODIGAN,

7 Defendant.

Case No. 2:17-cr-00103-KJD-PAL-2

ORDER

8  
9 **ORDER**

10 IT IS THEREFORE ORDERED that defense counsel's replies to the Government's  
11 Response (ECF No. 107) to Defendant's Motion to Suppress (ECF No. 99) and to the  
12 Government's Response (ECF No. 105) to Defendant's Motion to Dismiss (ECF No. 98) that  
13 were due on Friday, October 12, 2018, be vacated and continued to October 29, 2018.

14 IT IS FURTHER ORDERED that as this is the third request for an extension, the  
15 stipulation was not timely filed before the expiration of the deadline, and the trial date is  
16 January 28, 2019, NO FURTHER EXTENSIONS WILL BE ALLOWED.

17 DATED this 18th day of October, 2018.

18  
19   
20 UNITED STATES MAGISTRATE JUDGE